

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SOLOMON FINKLEY, #684654,

Petitioner,

v.

CASE NO. 2:19-CV-12625
HONORABLE NANCY G. EDMUNDS

THOMAS WINN,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION FOR
NON-PREJUDICIAL DISMISSAL, DISMISSING THE PETITION FOR A WRIT
OF HABEAS CORPUS, AND DENYING A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Petitioner's motion for a non-prejudicial dismissal of his pending habeas petition so that he can return to the state courts to exhaust additional issues concerning the conduct of the prosecutor and the effectiveness of trial and appellate counsel. The Court previously denied his motion to stay the proceedings. Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has sufficient time to do so within the one-year statute of limitations applicable to federal habeas actions, dismissal of the present habeas petition is appropriate.

Accordingly, the Court **GRANTS** Petitioner's motion for non-prejudicial dismissal and **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus. Additionally, the Court **DENIES** a certificate of appealability as reasonable jurists could not debate the correctness of the Court's procedural ruling. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

This case is **CLOSED**. The Court does not retain jurisdiction over this matter.

Should Petitioner wish to seek federal habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

IT IS SO ORDERED.

s/ Nancy G. Edmunds
NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

Dated: June 10, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 10, 2020, by electronic and/or ordinary mail.

s/ Lisa Bartlett
Case Manager